IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17312 OF 2005

Between:

Davuluri Siva Ramaiah … Petitioner

Versus

The District Collector, Krishna district

at Machilipatnam, & Ors. … Respondents

Counsel for the Petitioner: Mr.B.PARAMESWARA RAO

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

O R D E R :

This writ petition is filed seeking mandamus on the ground that the third respondent is interfering with the peaceful possession and threatening to dispossess the petitioner from his patta land admeasuring Acs:20-45 cents situate in survey nos.244, 241/4, 246/1, 240, 239, 238, 237, 246/2, 247/1, 247/2, 247/4 and 247/5 of Devarapalli village, Totlavalluri Revenue Mandal, Krishna district, without following due process of law, as arbitrary, illegal, unconstitutional and violative of Article 19

and 21 of the Constitution of India and consequently direct the respondents 1 and 2 to restrain the third respondent from interfering with the possession and enjoyment of the petitioner.

The case of the petitioner is that he is the absolute owner, patte4dar and possessor of the land admeasuring Acs:20-45 cents situate in survey nos. 244, 241/4, 246/1, 240, 239, 238, 237, 246/2, 247/1, 247/2, 247/4 and 247/5 of Devarapalli village, Totlavalluri Revenue Mandal, Krishna district and out of the said extent of land a portion of land was succeeded from his father and the remaining extent was purchased by him by virtue of registered sale deed. Since more than 2 ½ decades, he is in peaceful possession and enjoyment over the said extent of land. Further the Mandal Revenue Officer was issued pattedar passbook and title deeds in his favour.

While things stood thus, the third respondent came to his land and made markings with a view to handover the same on or before 07-8-2005 to Ex-servicemen for the purpose of cultivation and livelihood. Therefore, apprehending illegal dispossession by the third respondent from the aforesaid land, the petitioner filed the present writ petition.

The learned Govt.Pleader for the respondents vehemently contended that the petitioner filed this writ petition with an apprehension that the respondents are interfering with the peaceful possession and enjoyment of the petitioner over the said land, without following due process of law.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Revenue, I deem it appropriate to dispose of the writ petition at the

admission stage directing the respondents not to interfere with the possession and enjoyment of the petitioner over the said land. However, the respondents are directed to follow due process of law if they propose to contemplate any action in respect of the land in question.

In the result, the writ petition is accordingly disposed of. No costs.

AUGUST 05th, 2005. ---------- ----------

I s L ELIPE DHARMA RAO , J.